

**DISTRICT JUDGE'S CIVIL MINUTES  
IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA – PHOENIX**

**U.S. District Judge: David G. Campbell**

**Date: June 20, 2019**

**Case Number: CV-18-00063-PHX-DGC**

**Thacker v. GPS Insight LLC et al**

**APPEARANCES:** Plaintiff(s) Counsel  
**Joshua William Carden**

Defendant(s) Counsel  
**Stefan Mark Palys**  
**Timothy Burke O'Connor**

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**TELEPHONIC DISCOVERY DISPUTE HEARING:**

Lengthy discussion is held, and the Court rules as follows:

Text messages or imessages - The messages that Plaintiff believes have not been produced (between Donat and Lisson) need not be resolved to decide summary judgment. The Court will address this issue, if necessary, after it rules on summary judgment. Key questions will be whether Defendants' have made a correct determination that undisclosed messages are not relevant for purposes of MIDP disclosure, and whether Plaintiff served requests for production of the messages within the time and number limits of the Rule 16 Scheduling Order.

Tax returns and issues related to net worth – At this point, there is no need to decide whether additional deposition questions need to be answered and whether redacted personal tax returns need to be disclosed in a more complete form. That information may be relevant during the damages phase of trial, but will not affect the ruling on summary judgment. The Court will address these issues, if necessary, after it rules on summary judgment. Defendant shall produce corporate tax returns to Plaintiff, as ordered by Judge Humetewa, by June 24, 2019.

Sales policy and any related spoliation claim - The Court will address this issue, if necessary, after ruling on summary judgment. By June 24, 2019, Defendant shall produce to Plaintiff an MIDP response signed by the client and attorney stating that all available versions of the sales policy have been produced. If the Court addresses this spoliation issue, it will apply Rule 37(e) as revised on December 1, 2015.

Spread sheets on commissions - The Court will address this issue, if necessary, after it rules on summary judgment.

Rule 30(b)(6) depositions – For reasons explained in detail on the record, the Court finds that this issue was not raised by Plaintiff in a timely manner, and will not address it.

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The Court will address Defendants' Motion for Leave to Serve Subpoena on Glassdoor, Inc. (Doc. 145) after it rules on summary judgment, if necessary. Because this issue can be resolved through discussion with the parties, Plaintiff need not file a response.

Deputy Clerk: Christine Boucher

Court Reporter: Patricia Lyons

**Start: 2:33 p.m.**

**Stop: 3:39 p.m.**